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Paper No.

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OFFICE OF PETITIONS

In re Patent No. 7,228,375	:	LETTER REGARDING
Van Jacobson	:	PATENT TERM ADJUSTMENT
Issue Date: June 5, 2007	:	and
Application No. 10/042,971	:	NOTICE OF INTENT TO ISSUE
Filed: January 7, 2002	:	CERTIFICATE OF CORRECTION
Atty Docket No. 3510.53US01	:	

This is in response to the "PATENT TERM ADJUSTMENT LETTER OF CANDOR AND GOOD FAITH" filed August 8, 2007, notifying the Office of an error in Patentee's favor in the determination of patent term adjustment under 35 U.S.C. § 154(b).

The request for review of the determination of patent term adjustment (PTA) is **GRANTED**.

The patent term adjustment indicated in the patent is to be corrected by issuance of a certificate of correction showing a revised Patent Term Adjustment of **EIGHT HUNDRED TWENTY-SIX (826)** days.

On June 5, 2007, the application matured into U.S. Patent No. 7,228,375, with a revised patent term adjustment of 828 days. Patentee draws the Office's attention to an Electronic Information Disclosure Statement submitted on November 29, 2006, which is two days after a submission of a Response to the Non-Final Office Action on November 27, 2006.

A review of the record confirms that, pursuant to 37 CFR 1.704(c)(8), a period of reduction of 2 days should have been entered in association with the filing of the Information Disclosure Statement (IDS) on November 29, 2006. There is no dispute that this paper was filed after a response was filed on


November 27, 2006. The IDS was not expressly requested by the examiner and did not include a 1.704(d) statement. Accordingly, the period of reduction is 2 days (i.e. November 28, 2006 to November 29, 2006).

In view thereof, the patent should have issued with a revised patent term adjustment of eight hundred twenty-six (826) days.

As this letter was submitted to advise the Office of an error in Patentee's favor, the Office will not assess the \$200.00 application fee under 37 CFR 1.705(b). The Office thanks Patentee for their good faith and candor in bringing this matter to the attention of the Office.

The application file is being forwarded to the Certificates of Correction Branch for issuance of a certificate of correction in order to rectify this error. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **eight hundred twenty-six (826) days**.

Telephone inquiries specific to this letter should be directed to the undersigned at (571) 272-3219.



Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT : 7,228,375 B1

DATED : June 5, 2007

INVENTOR(S) : Jacobson

DRAFT

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by 828 days

Delete the phrase "by 828 days" and insert – by 826 days--